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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF AUSTIN SCHWING
IN SUPPORT OF FACEBOOK INC.,
GIBSON, DUNN & CRUTCHER LLP,
AND ORIN SNYDER'S SUPPLEMENTAL
BRIEF IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
SANCTIONS**

1 I, Austin Schwing, declare and state as follows:

2 1. This declaration is made in support of Facebook, Inc., Gibson, Dunn & Crutcher LLP,
3 and Orin Snyder's Supplemental Brief in Opposition to Plaintiffs' Motion for Sanctions ("Motion").

4 2. I have personal knowledge of the facts set forth herein and, if called as a witness,
5 could and would testify competently to them.

6 3. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP ("Gibson Dunn") and
7 work on the instant litigation ("Lawsuit").

8 4. Several attorneys at Gibson Dunn and inhouse counsel at Meta Platforms, Inc. have
9 been involved with preparing witnesses for Rule 30(b)(6) depositions in this case. I have coordinated
10 with the attorneys who have been involved with the Rule 30(b)(6) depositions and the witnesses. The
11 30(b)(6) designees have spent significant time preparing for the depositions, including reviewing ma-
12 terials and meeting with attorneys in advance of their depositions. I personally observed several wit-
13 nesses prepare for their depositions, oftentimes meeting with numerous other employees to prepare. I
14 also corresponded with the other attorneys at Gibson Dunn involved with the Rule 30(b)(6) deposi-
15 tions and witnesses. For example, based on my personal observations and discussions with counsel
16 involved in his preparation, Simon Cross prepared for over 100 hours and met with fifteen (15) indi-
17 viduals at Meta in connection with his five-day Rule 30(b)(6) deposition. Steven Elia prepared for
18 approximately thirty (30) hours and met with at least ten (10) individuals at Meta in connection with
19 his Rule 30(b)(6) deposition. Michael Fahey prepared for almost thirty (30) hours and met with at
20 least six (6) individuals at Meta in connection with his Rule 30(b)(6) deposition. David Miller pre-
21 pared for approximately thirty (30) hours and met with seven (7) individuals at Meta in connection
22 with his Rule 30(b)(6) deposition.
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1 5. My conversations with the pertinent Gibson Dunn attorneys, documents that have
2 been produced and/or introduced as exhibits at the depositions, and witnesses' testimony also indi-
3 cate:

- 4 • Ali Hendrix prepared for over fifty (50) hours and met with at least six (6) individuals
5 at Meta in connection with her two Rule 30(b)(6) depositions. Attached as **Exhibit 61**
6 is a true and correct copy of Facebook's June 20, 2022 Correspondence to Plaintiffs;
7 *see also* Hendrix Tr. excerpt, a true and correct copy of which is attached as **Exhibit**
8 **62**, at 362:10-367:16.
- 9 • Amy Lee prepared for approximately thirty-two (32) hours and met with thirteen (13)
10 individuals at Meta in connection with her May 19, 2022 and August 18, 2022 Rule
11 30(b)(6) depositions. Attached as **Exhibit 63** is a true and correct copy of Facebook's
12 June 14, 2022 Correspondence to Plaintiffs (20 hours for first deposition session); and
13 attached as **Exhibit 64** is a true and correct copy of ADVANCE-META-00004124
14 (11-12 hours for second deposition session).
- 15 • Mayur Patel prepared for approximately nineteen (19) hours and met with six (6) indi-
16 viduals at Meta in connection with his Rule 30(b)(6) deposition. Attached as **Exhibit**
17 **65** is a true and correct copy of Exhibit 540 to the Rule 30(b)(6) Deposition of Mayur
18 Patel.
- 19 • Mike Clark prepared for fifty-five (55) hours and met with seven (7) individuals at
20 Meta in connection with his Rule 30(b)(6) deposition. Attached as **Exhibit 66** is a
21 true and correct copy of Exhibit 339 to the Rule 30(b)(6) Deposition of Mike Clark;
22 *see also* Clark Tr. excerpt, a true and correct copy of which is attached as **Exhibit 67**,
23 at 26:1-23.

- Harrison Fisk prepared for approximately forty-eight (48) hours and met with eleven (11) individuals at Meta in connection with his Rule 30(b)(6) deposition. Attached as **Exhibit 68** is a true and correct copy of Exhibit 715 to the Rule 30(b)(6) Deposition of Harrison Fisk; *see also* Fisk Tr. excerpt, a true and correct copy of which is attached as **Exhibit 69**, at 17:2-21:23.
- Chris Casorio prepared for approximately thirty-five (35) hours and met with nine (9) individuals at Meta in connection with his Rule 30(b)(6) deposition. Attached as **Exhibit 70** is a true and correct copy of Exhibit 610 to the Rule 30(b)(6) Deposition of Chris Casorio.
- Isabella Leone prepared for approximately forty four (44) hours and met with eleven (11) individuals at Meta in connection with her Rule 30(b)(6) deposition. Attached as **Exhibit 71** is a true and correct copy of Exhibit 655 to the Rule 30(b)(6) Deposition of Isabella Leone; *see also* Leone Tr. excerpt, a true and correct copy of which is attached as **Exhibit 72**, at 16:6-22:13.
- Mike Duffey prepared for approximately forty-eight (48) hours and met with seven (7) individuals in connection with his Rule 30(b)(6) deposition. Attached as **Exhibit 73** is a true and correct copy of Exhibit 386 to the Rule 30(b)(6) Deposition of Mike Duffey; *see also* Duffey Tr. excerpt, a true and correct copy of which is attached as **Exhibit 74**, at 36:2-17.

6. Altogether, the conversations I have had with my colleagues and the documents that have been produced and/or introduced as exhibits at the depositions and the deposition testimony indicate that these witnesses prepared for approximately 521 hours in connection with their Rule 30(b)(6) depositions. Gibson Dunn's billing records also indicate that counsel devoted more than 6,500 hours to tasks associated with preparing for the Rule 30(b)(6) depositions.

7. Plaintiffs oftentimes identified numerous documents in advance of Rule 30(b)(6) deposition. For example, Plaintiffs identified approximately 127 documents in advance of Ali Hendrix's May 5, 2022 Rule 30(b)(6) deposition. *See* **Exhibit 75** (Apr. 27, 2022 email from Plaintiffs) and a total of approximately 80 documents in advance of Simon Cross's Rule 30(b)(6) depositions. *See* **Exhibit 76** (Simon Cross email correspondence).

8. Attached as **Exhibit 77** is a true and correct copy of Plaintiffs' Rule 30(b)(6) notice covering ten different topics with multiple subparts.

9. Attached as **Exhibit 78** is a true and correct copy of the Deposition Protocol dated December 29, 2021.

10. Plaintiffs have taken nearly 100 hours of Rule 30(b)(6) testimony from 13 witnesses, and 30 fact depositions with another 14 scheduled.

11. Facebook also agreed to six apex depositions: Mark Zuckerberg, Sheryl Sandberg, Javier Olivan, Chris Cox, Andrew Bosworth, and Marc Andreessen.

12. Attached as **Exhibit 79** is a true and correct copy of select excerpts from Mike Clark's Rule 30(b)(6) deposition (Clark Tr. at 220:14-221:5).

13. Attached as **Exhibit 80** is a true and correct copy of select excerpts from Isabella Leone's Rule 30(b)(6) deposition (Leone Tr. at 324:15-329:14).

14. Attached as **Exhibit 81** is a true and correct copy of the Special Master's Order on Plaintiffs' Motion for Additional Time to Conduct Rule 30(b)(6) Depositions.

15. Attached as **Exhibit 82** is a true and correct copy of select excerpts from Simon Cross's Rule 30(b)(6) deposition (Cross Tr. at 263:16-264:6, 269:8-13).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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2 Dated: August 22, 2022

By: Austin Schwing
Austin Schwing

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